

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GABRIEL ALLEN ECKARD,

Plaintiff,

V.

PATRICIA THOMAS,

Defendant.

CASE NO. C19-104-RSM-BAT

**ORDER GRANTING MOTION FOR  
REPLACEMENT OF DOCUMENTS  
AND GRANTING EXTENSION**

Plaintiff has filed a “Motion for Replacement of Documents” (Dkt. 26) requesting the Court send him another copy of the Court’s Report and Recommendation (Dkt. 20) recommending that his motion for summary judgment be denied. Plaintiff’s motion (Dkt. 26) is GRANTED. **The Clerk is directed to send plaintiff a copy of the Report and Recommendation dated August 14, 2019 (Dkt. 20).**

Plaintiff has also filed a response/objection (Dkt. 25) to defendants' motion for summary judgment in which he requests that defendants' motion for summary judgment be stricken as premature in light of the fact that the district judge has not yet adopted the Report and Recommendation recommending the denial of plaintiff's own motion for summary judgment. *See* Dkt. 25. Plaintiff also indicates he should not be required to file a substantive response to defendants' motion for summary judgment until his objections to the Report and

1 Recommendation recommending the denial of his own motion for summary judgment have been  
2 ruled upon. *Id.* The Court construes this as a motion for an extension of time to file a response to  
3 defendants' motion for summary judgment. Defendants object to plaintiff's request that their  
4 motion for summary judgment be denied as premature. They also object to plaintiff's request for  
5 an extension of time to respond to the motion until the Report and Recommendation on  
6 plaintiff's own motion has been ruled upon. Dkt. 27.

7 Defendants' motion for summary judgment is not premature as nothing prevents  
8 defendants from seeking this relief at this point. However, the Court GRANTS plaintiff's request  
9 for an extension (Dkt. 25) in the interests of justice to allow him a sufficient opportunity to file a  
10 substantive response to defendants' motion for summary judgment. Plaintiff shall file a response  
11 to defendants' motion for summary judgment **on or before November 1, 2019**. Defendants may  
12 file a reply **on or before November 8, 2019**. Defendants' motion for summary judgment (Dkt.  
13 22) shall be **re-noted to November 8, 2019**.

14 DATED this 17<sup>th</sup> day of October, 2019.

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**BRIAN A. TSUCHIDA**  
18 United States Magistrate Judge  
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